

RECEIVED **SMB** **24CV4769**

6/7/2024

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BC
CAT2
RANDOM

MONA MALHOTRA
Plaintiff,
v.

CVS HEALTH, INC,
CAREMARK, LLC

Defendants.

Case No.

Jury Trial Requested

PLAINTIFF'S COMPLAINT

COMES NOW, PLAINTIFF MONA MALHOTRA, (hereinafter, "MONA") appearing Pro se. hereby sues DEFENDANTS CVS HEALTH, INC and CAREMARK LLC ¹ (both hereinafter, "CVS") and alleges as follows:

This is an Action for **Discrimination, Harassment, Hostile work environment and Retaliation** and damages are in excess of \$75,000.00, exclusive of interest, costs and attorney's fees (when applicable).

Plaintiff filed a EEOC **Charge of Discrimination, Charge No. 440-2023-07691**, on or about June 23, 2023 and received her right to sue letter on or about May 2, 2024 (Exhibit E).

¹ CAREMARK LLC is a wholly owned subsidiary of CVS Health. Both hereby addressed as Defendant.

A. PARTIES, JURISDICTION, & VENUE

1. PLAINTIFF MONA MALHOTRA is an individual over the age of 18 who is sui juris and resides in Illinois, Cook County.

2. DEFENDANT CVS HEALTH, INC is a legally defined business entity, formed under the laws of the State of Delaware and has its principal place of business in Rhode Island, and located at CVS Health, Corporate Headquarters, One CVS Drive, Woonsocket, RI 02895.

3. DEFENDANT CAREMARK, LLC is a legally defined business entity, formed under the laws of the State of California. Its sole member is listed as CAREMARK RX, LLC, which is a Delaware Company. CAREMARK RX, LLC member is listed as CVS PHARMACY, INC and its principal place of business is the same as CVS HEALTH, INC which is One CVS Drive, Woonsocket, RI 02895.

4. The Parent company of both the LLC's is CVS HEALTH, INC.

5. The events which gave rise to this Complaint have occurred in Illinois and the Plaintiff used to work in Illinois for the defendant CAREMARK, LLC (hereinafter, "CVS"). As such this court is the proper Venue for this Action.

6. Jurisdiction is proper before this Honorable Court as Plaintiff has asserted violations of federal statutes and other such claims that are so related as to form part of the same case or controversy. 28 U.S.C. § 1331 and 28 U.S.C. § 1332.

B. FACTS COMMON TO ALL COUNTS

7. Plaintiff's claim arises out of Discrimination, Harassment, Hostile work environment and Retaliation (Title VII of the Civil Rights Act of 1964 and 42 U.S.C., § 1981).

8. Plaintiff is a member of protected classes — Asian heritage (Indian Origin).

9. Plaintiff began working for CVS in 2016 as a Senior Consultant. Over the course of the time, Plaintiff received various pay increases and merit increases. Plaintiff was well qualified for her job. Plaintiff (Mona) has an MBA in Finance and Bachelors in Engineering with over 10 years of work experience.

10. Plaintiff worked for CVS close to 6.5 years and her last date of employment with CVS was Jan 17th, 2023, and her final designation was Data Engineer.

11. Over the term, Mona got various pay increases and positive evaluations. She was on-track for her next job promotion as a Senior Manager.

12. Around Jan 2022, a new Manager by the name of Bhavana Atti Janakiram (“Bhavana”) joined CVS. She introduced herself as the new Director.

13. Bhavana (New Manager) was a South Indian and from Telugu speaking community and fair (white) in color (Telugu is a local language spoken by South Indians in India).

14. Plaintiff is a North Indian from Hindi speaking community and dark in color

(Hindi is a local language spoken by North Indians in India).

15. Within a few weeks, it was known to the team that Bhavana is actually the Senior Manager and not a Director as was initially declared by herself.

16. The new manager started creating a hostile work environment as Mona was the only North Indian in the group. Due to Mona's positive job review at CVS, Bhavana started calling her names "Madam Mona" ² and harassing Mona by taking away her projects and harassing her.

17. Mona asked Bhavana to stop calling her "Madam Mona" but this did not deter Bhavana. In the meantime, HR received complaints from other employees about Bhavana work culture and hostile work environment.

18. After that Mona was excluded from important meetings and her projects were taken away. Access to special software's were withheld from the Plaintiff.

19. Plaintiff was asked to file an HR complaint against Bhavana for creating a hostile work environment and for discriminating against her based upon her dark skin color.

20. Plaintiff, in light of the harassment committed by Bhavana, made an internal complaint to the Defendant against Ms. Bhavana for the harassment and discrimination.

² mistresses of a household. Using the word in a slang way to address a female with derogatory remarks.

21. HR acknowledged that they did receive similar complaints against Bhavana from other employees and also asked Mona to file a Consular Complaint.

22. Mona did file a consular complaint as well based upon the recommendation of HR.

23. In retaliation, on 11/30/2022 Bhavana created a Corrective Action Plan which is marked as Exhibit B. Creating of this Corrective Action Plan was an adverse action which was done in retaliation.

24. In retaliation, on 01/17/2023, Bhavana created another forged document which is marked as Exhibit C, Exhibit C was created with a sole intent to Defame Mona and for the Plaintiff's Character Assassination stating, "Mona you were issued a level III corrective action on November 30th, 2022, for inappropriate workplace behavior and insubordination to your manager". Mona was never issued a level III corrective action.

25. On 01/17/2023, the Plaintiff was Terminated without cause. There was no HR involved in her termination nor she was allowed to discuss it with HR. She was illegally Terminated by Bhavana.

26. Plaintiff filed a **Charge of Discrimination, Charge No. 440-2023-07691**, on or about June 23, 2023 with the Equal Employment Opportunity Commission for the discrimination and retaliation described herein.

27. Plaintiff subsequently received her right to sue letter on or about May 2, 2024.

COUNT I
(Discrimination)

28. Plaintiff realleges and incorporate by reference all preceding paragraphs as if fully stated herein.

29. Defendants discriminated against her because Plaintiff is dark in color, North Indian, and Hindi speaking race community (non-Telugu community) in violation of, as relevant here, Title VII, Section 1981.

30. All my other team members hired by Bhavana are South Indian Telugu Speaking community and are treated differently based upon their South Indian Race.

31. Clients were distributed among team members based upon race and color of team members.

32. Hima, Shree and Madhukar (Team members) were given all easy clients and all the clients with issues were given to Plaintiff. All the three are South Indian race and were treated differently.

33. All of the team members got access to Google Cloud Platform except me. I had to file a formal request/complaint with Ryan Rowley, VP CVS Health and only after Ryan's assistance Bhavana included me in the project.

34. All of the team members were given access to PowerBI except me. On Ryan's (VP, CVS health) assistance I got access only 1-2 weeks prior to my termination. This impacted my work performance and created an undue disadvantage in performing my

job duties.

35. Employees face discrimination at CVS Health just because they are not South Asian Indian Community.

36. The discrimination started because I was a North Indian and my Manager was a South Indian. North Indians and South Indians are from a different caste system, and we speak different languages.

Little background - There is a common hatred between North Indians and South Indians.

Most of the South Indians don't like North Indians as we speak different language which is Hindi and South Indians speak a different language which is Telugu. Also, I'm of a darker brown complexion which made my manager pass comments because usually North Indians are of fair color. India still has a caste system which is basically race based system.

37. Plaintiff was subjected to different rules as compared to my other team members who were South Indian. Other team members were allowed to leave early on Friday's whereas Plaintiff was made to always stay online. I also had to work some weekend's whereas none of my other team members worked on weekends.

38. Other team members were allowed to take online courses to advance their career. When I took an online course in "Artificial Intelligence" and submitted my expense report, Bhavana never approved nor declined my expense report. She openly broke all CVS policies and HR turned a blind eye to her mismanagement workstyle.

39. The policies at CVS Health existed only for some people and were implemented based upon subjective criteria. HR had received multiple complaints against Bhavana and still HR failed to protect employees in Bhavana's group.

40. **CVS is currently facing federal discrimination lawsuit as it favored South Asian works (Case No: 1:23-cv-00055, Sogbuyi-Whitney et al v. Caremark PHC LLC et al).³**

41. The Defendants discriminated against me because I'm dark colored, Indian, and Hindi, in violation of, as relevant here, Title VII, Section 1981.

**COUNT II
(Harassment)**

42. Plaintiff realleges and incorporate by reference all preceding paragraphs as if fully stated herein.

43. Plaintiff was regular subjected to severe, pervasive, and unwelcome harassment by the Defendant, by and through its manager, Ms. Bhavana, on the basis of Plaintiff's race and color.

44. The harassment in question included spreading rumors/comments about Mona's ill Performance among peers to disassociate peers from the Plaintiff.

45. Bhavana complained to my Director Jenn Dowd that I do not copy her on my emails whereas on the other hand when I brought issues to her attention she will cut me off

3. Case Number [1:23-cv-00055](https://www.courtlistener.com/case/1:23-cv-00055/) "CVS Must Face Suit Claiming It Favored South Asian Workers"

by saying Don't bring issues to my attention if it is not of my level.

46. Plaintiff was called names "Madam Mona". Even after Plaintiff objected Bhavana did not stop.

47. My manager will pass Disparaging comments stating that "**Madam- you are an analyst. Just reply in Yes/No...don't pretend you are a Manager.**"

48. When I brought up issues to her attention the most common response I got is "**This is below my pay grade**".

49. Mona filed a complaint of harassment with

- Ryan Rowley, VP, CVS Health
- Michael Chen, Director, CVS Health
- Timothy Li, HR, CVS Health
- Nayely Pelosi, Counselor, CVS Health

50. Because of the harassment, Plaintiff lost her merit increase, yearly pay increase and suffered substantial economic loss.

51. These actions created a work environment that any reasonable person would perceive as being abusive or hostile.

52. Plaintiff was blamed and harassed for ACCDS tickets which were not even assigned to Plaintiff. The defendants tuned a blind-eye to all the harassment happening and never even once HR setup a single meeting with Plaintiff and her Manager (Bhavana) to understand the root cause of all issues and to stop discrimination.

53. HR failed to take any action against the Manager even after receiving multiple complaints against the manager.

A. Not paid for AI training Course (Course already approved by Atena)

54. To advance my career in Artificial Intelligence, I took a course in AI which was already approved by Atena. This course was already posted on CVS Health Portal and approved by CVS Health.

55. In September 2022, I took the course after discussing with my manager. As per my manager, if the course is below \$1,000 then I don't need special approval as the course is preapproved.

56. I submitted my expense report to Bhavana stating that I passed the course. My manager went silent on the reimbursement of this course since she came to know I filed a complaint with HR.

57. She never approved my expense report. As per HR Policy, your Supervisor should decline the expense report and mention the reason for Rejection.

58. Since my manager knew she did not have a valid reason to reject my expense report as the course is preapproved by Atena/CVS Health and was less than \$1,000 she went silent on the reimbursement.

59. This is a clear violation of HR Policy and clearly shows Discrimination and Harassment. I never got a rejection email saying my "Expense report is rejected and the reason for rejection."

60. If there was no discrimination, then my manager could have officially declined my Expense Report...but she went silent (which shows discrimination).

B. Complaint filed by other team Members about Harassment

61. While resigning from her job, Hima Ganga who was a team member in my group filed a complaint with Ryan Rowley, CVS VP about harassment by Bhavana

62. She informed Ryan that she was leaving the job due to her Supervisor (Bhavana).

63. Ryan Rowley confirmed that he will follow-up with HR on this complaint about harassment.

64. CVS once again failed to take any action against the manager in order to protect its employees.

65. Therefore, Defendant is liable to Plaintiff for the harassment of Plaintiff.

WHEREFORE, Plaintiff, Mona Malhotra, respectfully requests judgment against the Defendants, in an amount in excess of \$75,000.00, plus punitive damages, pre- and post-judgment interest, and costs.

**COUNT III
(Hostile Work Environment)**

66. The Manager would exclude Plaintiff from weekly meetings and then use Plaintiff's absence to defame her with her peers.

67. Plaintiff was excluded from one-on-one meetings with her manager.

68. Plaintiff was also excluded from GCP meetings which were also termed as “**Special Wednesday Calls**” (GCP stands for “Google Cloud Platform”). Everyone was

invited on Bhavana's (Manager) team except me which was due to Retaliation for filing HR complaint.

69. These exclusions from the meetings affected my ability to do my job and achieve my yearly goals.

70. Because of these meetings Plaintiff suffered adverse employment actions including performance-based discipline plus Plaintiff could not work on important claims tickets which created a significant disadvantage to the Plaintiff as compared to other peers.

71. Using the "Missing Meetings" as an excuse, Projects were taken away from the Plaintiff and given to other team members. If there were any future issues with those projects then Plaintiff was openly blamed even though projects were managed by someone else.

72. Plaintiff was asked to train new team members. Plaintiff gave her queries for data analysis to the new team members. Even after training new team members if there were future issues with the new team members the plaintiff was openly blamed.

73. Bhavana created a Mid-Year Review meeting in 2022 which was cancelled as she came to know that meeting was not needed. She used the meeting invite to spread rumors that Plaintiff skips meetings. This clearly shows malice. Ryan Rowley, VP CVS Health can confirm that Mid-Year Review meeting was not needed for the Plaintiff.

74. Name calling was a common occurrence even after objecting to the name calling several times.

COUNT IV
(Retaliation)

75. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully stated herein.

76. An employer may not retaliate against an individual for engaging in protected activity.

77. Plaintiff engaged in protected conduct when she made an internal complaint against her manager. During discussion on teams, Bhavana confirmed that she knows Mona filed an internal complaint against her.

78. In retaliation, on 11/30/2022 Bhavana created a forged ⁴ Corrective Action Plan which is marked as Exhibit B. This Corrective Action Plan was never shared with the Plaintiff. Exhibit B Pg 3 says “**Colleague received a copy of the form and signed**”. Colleague is in reference to Plaintiff. The Date of Meeting with Colleague is blank and there are “No Signatures” even for the Manager. This clearly shows this is a forged document created just to retaliate against the Plaintiff.

79. Bhavana knew that Plaintiff was taking a vacation from Dec 1st, 2022. She planned the corrective action so that Plaintiff will be completely blind-sided as plaintiff will be on vacation.

80. Plaintiff suffered adverse employment actions including performance-based discipline (Exhibit B) which was placed in Employee Personnel records.

4. Forged as this document was created without the knowledge of the Plaintiff. Plaintiff never signed or seen the document until Plaintiff got copies from Personnel Records

81. In retaliation, on 01/17/2023, Bhavana created another forged document which is marked as Exhibit C. Exhibit C was created with a sole intent to Defame Mona and for the Plaintiff's Character Assassination stating, "Mona you were issued a level III corrective action on November 30th, 2022, for inappropriate workplace behavior and insubordination to your manager". Mona was never issued a level III corrective action.

82. The retaliation was carefully well planned by the Manager. She knew the Plaintiff was taking vacation from Dec 1st 2022 and considering the weekends and the Christmas holidays she used this time to retaliate against the Plaintiff and discriminate her based upon her race and dark skin color.

83. Plaintiff filed a complaint with CVS Ethics and Compliance asking them to investigate into the forged paperwork. CVS opened a case (**Ethics Line Reference Number: 176390**) saying they are investigating this matter. CVS failed to take any action.

84. CVS never shared the Investigation report with the Plaintiff and the actions taken by CVS to protect their employees from retaliation and hostile work environment.

85. Therefore, Defendant retaliated against Plaintiff.

86. As a direct and proximate result of Defendant's retaliation against Plaintiff, Plaintiff suffered damages, including her professional records were marked as Blacklisted.

Prayer for Relief

WHEREFORE, Plaintiff, Mona Malhotra, respectfully requests judgment against

the Defendants, CVS HEALTH, INC and CAREMARK, LLC, in an amount in excess of \$75,000.00, plus punitive damages, Back Pay, pre- and post-judgment interest, and costs.

Also, requiring the defendants to correct their employment records and allow the Plaintiff to be eligible for rehire.

Such further relief this court deems just and proper.

Respectfully Submitted,

/Sd
Mona Malhotra, Pro Se.

JURY DEMAND

Plaintiff, Mona Malhotra, respectfully requests a trial by jury as to all issues raised herein.

/Sd
Mona Malhotra, Pro Se.

EXHIBIT A

8/22/23, 5:30 PM

Case: 02197843 ~ Salesforce - Unlimited Edition

Secondary Category 04	Subject Colleague Concern with Leader Resources presented
	Description From: Li, Timothy <Timothy.Li@CVSHealth.com> Sent: Tuesday, September 27, 2022 2:47 PM To: ColleagueRelations <ColleagueRelations@CVSHealth.com> Cc: Malhotra, Mona <Mona.Malhotra@CVSHealth.com> Subject: FW: Experience working with immediate manager- Accordant Analytics

Good Afternoon Colleague Relations,

I am reaching out on behalf of colleague Mona Malhotra (Data Engineer), who would like her claims below to be further looked into by Colleague Relations (formerly A&C). Per my initial conversation with the colleague, Ms. Malhotra would like to potentially open up a case regarding her immediate manager Bhavana Janakiram (Sr. Mgr, Data Engineering). In speaking with the colleague she alluded to issues with the manager's communication style but as you will see in her email below cited discrimination and harassment on the part of Ms. Janakiram over the past nine (9) months. Due to the nature of Ms. Malhotra allegations, I informed her that the case should best be forwarded to Colleague Relations moving forward.

I have also copied Ms. Malhotra herself on this email for her awareness and should you require any additional details/follow ups.

Thank you.

Regards,
Tim

Timothy Li | Senior Manager, HRBP
(Analytics & Behavior Change)
c 347-908-4926 | e
Timothy.Li@cvshealth.com

From: Malhotra, Mona
 <Mona.Malhotra@CVSHealth.com>
 Sent: Friday, September 23, 2022 2:24 PM
 To: Li, Timothy
 <Timothy.Li@CVSHealth.com>
 Cc: Malhotra, Mona
 <Mona.Malhotra@CVSHealth.com>
 Subject: Experience working with immediate manager- Accordant Analytics

Hi Timothy,

I have been an employee of Accordant Analytics team for past 6.5 years . Just wanted to highlight about my experience with my immediate manager .

EXHIBIT B



Corrective Action Violation of policy or procedure (Counseling) for Mona Malhotra

Introduction

At CVS Health, the Counseling process is in place to document instances of misconduct and the action plan to correct the behavior in the future.

Colleague Information Section

Last Name	Malhotra	First Name	Mona
Job Title	Data Engineer	Department	95123
Manager Name	Bhuvaneshwari Atti Janakiram	Location	OF225,IL - Buffalo Grove

Category

Reporting Category Enterprise Compliance/CVS Health Code of Conduct violation

Corrective Action/Violation of Company policy or procedure details

Company policies and procedures can be referenced on the [CVS Health Policy and Procedure Portal](#).

[Click Here](#) for recommended text, that you can copy, paste, and edit in the Counseling form, to help you write a consistent and thorough counseling.

Actual Behavior

Mona has violated our code of conduct by displaying some insubordination behaviors, below are some examples.

- 1) Mona skips attending 1 on 1s, IT meetings and Team meetings for most part of 2022 without providing notice or request for reschedule.
- 2) Mona excludes her immediate supervisor in all communications related to the clients she supports esp. the ones where we are addressing some issues for resolution. I learn about these emails when the person she has contacted copies me in their response.
- 3) Mona does not directly respond to [her immediate supervisor](#) when addressed to her for an update. Sometimes in the team setting calls when her immediate supervisor asks her a question, she doesn't respond which is very disrespectful in a team setting or in general.
- 4) Mona does not actively participate in team setting discussions.
- 5) Mona has not shown that she is approachable to the team members. Her immediate supervisor has received emails about unprofessional conduct she has exhibited.

After numerous unsuccessful attempts to help her correct her behavior via **coaching sessions, verbal warnings, mentoring** we are moving to formal corrective action.

Expected Behavior

- 1) As an exempt colleague Mona is to be responsive during core business hours, reflect correct status in outlook and teams' chat.
- 2) Start responding to Teams chat or emails within a reasonable time. No response is not acceptable.
- 3) Any training course work not approved by CVS Management are considered personal development time. All Personal trainings outside of Learning Hub should be taken during non-office hours, if possible, in the event its during office hours you must inform supervisor about it and get the approval and this time should be reported as Paid Time Off in HR.
- 4) Expect all colleagues to communicate with their immediate leader when they will be out of office should any emergency come up.
- 5) PTOs taken must be reported in HR Portal. PTO requests must be sent via calendar invite addressed to members you work closely with on assigned tasks.
- 6) Attend meetings you are invited to, or request reschedule.
- 7) Respond to supervisor emails.
- 8) Supervisor to be included in all important communications that related to work, as its important to stay in loop. Request meeting if required.
- 9) Be a team player and bring on good spirit to any discussion and be approachable so other team members can be mentored.
- 10) Share the knowledge and be respectful/professional to team members.
- 11) Follow Heart at Work Behavior culture.

Corrective Action Plan

As a colleague at CVS Health, you are required to role model our Heart at Work Behaviors ([Put People First, Rise to the Challenge, Join Forces, Create Simplicity, and Inspire Trust](#)) and support our business in making our work environment engaging, professional, and productive. In order to bring your conduct back up to an acceptable level, I need you to take immediate action. I have outlined the specific steps you will need to take below.

- Start showing up to meetings -1 on 1s with supervisor, team meetings and other work-related meetings regularly
- Keep your direct supervisor in loop when discussing any issues related to the work at all times, setup meetings to discuss issues or any topics for better perspective, discuss planning time off from work etc.
- Always respond back to supervisor emails and/or chat message with details in a reasonable time at all times.
- Be respectful and mindful with team members when always discussing topics

In the event of a question about any and all policies or expectations, you should consult with me for guidance.

Consequences

You are capable of correcting this issue, and we will continue to work together to bring the conduct back up to a successful level. However, if the conduct is not brought back up to and sustained at an acceptable level, additional corrective action up to and including termination is possible. If you improve the conduct for a period of time but subsequently have additional conduct issues of any nature, this current level of corrective action may be reinstated or escalated to the next level up to and including termination. The Company reserves the right to bypass disciplinary steps and base its disciplinary action on the severity, frequency, or combination of infractions when circumstances warrant immediate action.

While you are on Corrective Action Counseling, you may not be eligible for promotion or transfer. Any merit or bonus amounts for which you are eligible may be impacted.

Date Created	11/30/2022
Level	III – Final Warning

Please enter the date the manager and colleague met to discuss the content of this counseling.

Date of meeting with colleague

Did the colleague receive a copy of the form and sign? Colleague received a copy of the form and signed.

Additional Comments

Signature

Signature is an acknowledgement colleague has received, read , and understands the above document.

Document will be stored in the colleague personnel file.

Colleague Signature _____

Date _____
Colleague Signed _____

Manager Signature _____

Date _____
Manager Signed _____

Statement **<input type="checkbox" value="1" checked="checked"/> Please feel free to discuss this document with your leader. If you disagree with any of the information contained in this document, you may also submit a written statement explaining your position.** </input>

EXHIBIT C



Corrective Action Violation of policy or procedure (Counseling) for Mona Malhotra

Introduction

At CVS Health, the Counseling process is in place to document instances of misconduct and the action plan to correct the behavior in the future.

Colleague Information Section

Last Name	Malhotra	First Name	Mona
Job Title	Data Engineer	Department	95123
Manager Name	Bhuvaneshwari Atti Janakiram	Location	OF225,IL - Buffalo Grove

Category

Reporting Category Enterprise Compliance/Attendance

Corrective Action/Violation of Company policy or procedure details

Company policies and procedures can be referenced on the [CVS Health Policy and Procedure Portal](#).

[Click Here](#) for recommended text, that you can copy, paste, and edit in the Counseling form, to help you write a consistent and thorough counseling.

Actual Behavior

Mona you were issued a level III corrective action on November 30th, 2022, for inappropriate workplace behavior and insubordination to your manager.

Since then, you have not shown any improvement in the behavior to align with CVS values and policies.

During 1 on 1 meeting held on 1/5/2023, you started to speak over me, raise your voice and escalating the call until it was no longer productive. During the same conversation you were reminded multiple times to remain professional and calm down, but you continued to escalate.

Mona, you have refused to provide updates directly to your manager despite being asked, rather you have deflected the question and moved onto a completely different topic. You have never approached your manager directly for any consult instead you reach out to others with questions that could have been simply addressed by your manager. Mona continues to leave her manager out of the loop.

Mona continues to raise concerns per her individual understanding without consulting with her manager and escalates bringing unnecessary attention thus jeopardizing the partnership and relationship among cross functioning teams. There many such instances

where this outreach could have been avoided if she consulted or brought it to manager's attention. This behavior misrepresents our team's role in the broader business implementation space.

While Mona you have been seen to be in attendance for meetings, you have not been participating in the discussions. An example would be that we would have discussed and decided on a certain approach that the entire team follows but you decide to do quite opposite, thus causing concerns to other team members breaking the harmony in which the team works. Mona does not exhibit a team culture attitude; making it extremely difficult to justify her behavior to others.

Expected Behavior

At CVS Health, part of a colleague's role is **to always follow Heart at Work Behavior culture**. Be polite and respectful to peers and managers and those you work with daily. Team bonding and mutual respect is important for a successful team and bring the right work etiquette.

Corrective Action Plan

N/A

Consequences

Termination

Date Created 01/17/2023

Level IV – Termination

Counseling Meeting Acknowledgement

Please enter the date the manager and colleague met to discuss the content of this counseling.

Date of meeting with colleague

Did the colleague receive a copy of the form and sign? Colleague received a copy of the form and signed.

Additional Comments

Signature

Signature is an acknowledgement colleague has received, read , and understands the above document.

Document will be stored in the colleague personnel file.

Colleague _____
Signature _____

Date _____
Colleague _____
Signed _____

Manager _____
Signature _____

Date _____
Manager _____
Signed _____

Statement Please feel free to discuss this document with your leader. If you disagree with any of the information contained in this document, you may also submit a written statement explaining your position.

EXHIBIT D

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

EEOC

Agency(ies) Charge No(s):

440-2023-07691

FEPA

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.)

Mrs. Mona Malhotra

Home Phone

(618) 303-4810

Year of Birth

1982

Street Address

435 Pinehurst Drive

DES PLAINES, IL 60016

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CVS LLC

No. Employees, Members

Phone No.

501+ Employees

Street Address

20 E DUNDEE RD

BUFFALO GROVE, IL 60089

Name

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON

Age, Color, National Origin, Race, Retaliation

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

02/01/2022

Latest

01/17/2023

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent on or about March 21, 2016. My most recent position was Data Engineer. During my employment, I was subjected to harassment, and different terms and conditions of employment, including, but not limited to, being excluded from meetings and not compensated for training. I complained to Respondent. Subsequently, on or about January 17, 2023, I was discharged.

I believe I have been discriminated against because of my national origin, India, color, Medium Brown, race, Asian, and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been discriminated against because of my age, 40 (YOB: 1982), in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

EXHIBIT E



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street
Chicago, IL 60604
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 05/02/2024

To: Mrs. Mona Malhotra
435 Pinehurst Drive
DES PLAINES, IL 60016
Charge No: 440-2023-07691

EEOC Representative and email: AMY YALCIN
Investigator
amy.yalcin@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign in to the EEOC Public Portal and upload the court complaint to charge 440-2023-07691.

On behalf of the Commission,

Digitally Signed By:Amrit Kaur Aakre
05/02/2024

Amrit Kaur Aakre
District Director

Cc:

Michael Kessel
Littler Mendelson, P.C.
900 3RD AVE FL 8
New York, NY 10022

Kimberly Lawrence
CVS Caremark
1 CVS Drive
Woonsocket, RI 02895

Please retain this notice for your records.